IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1643 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

RUKMANI D/O MAHESHBHAI TIWARI - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

==========

Appearance :
MR SP MAJMUDAR for Applicant(s) : 1,MR PP MAJMUDAR for Applicant(s) : 1,
MR MR MENGDEY APP for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 09/10/2007

ORAL JUDGMENT

Rule. Mr. M.R. Mengdey, learned A.P.P. waives service of the Rule on behalf of the State.

The petitioner is original accused in the Criminal Case bearing C.R. I No.101/07 filed on 25.5.2007 before Udhna Police Station. During the pendency of the said proceedings, the petitioner was granted bail by the concerned Court. Apparently, there are allegations that the petitioner breached one of the conditions of bail for which the proceedings are going on. However, the petitioner did not remain present before the learned 4th Fast Track Court and Presiding Officer, Surat on the date of of hearing, but through her legal representatives, assured the Court that on the next date, she will remain present. On 23.8.2007 also, when the petitioner did not remain present, though earlier assured, the learned Judge passed impugned order by issuing non-bailable warrant against her. She has approached this Court seeking to set aside the said order dated 23.8.2007.

Having considered the submissions made by learned advocate Mr. Majmudar for the petitioner and learned A.P.P. Mr. Mengdey for the respondent State and though the petitioner is undoubtedly to blame for impugned order being passed and though she ought not to have disregarded the assurance given by her to the Court, considering that the petitioner is a lady, I am of the opinion that on suitable terms, the order of the learned trial Judge is required to

diluted.

Under the circumstances, it is directed that the petitioner shall remain present before the said Court on 12.10.2007. If she does so and also on that date makes an application for converting the non-bailable warrant into bailable warrant and also offers bail bond as may be directed by the Court, she may be released on bail.

This order is conditional on the petitioner presenting herself before the learned trial Judge on 12.10.2007 as directed. Failure on her to do so, will automatically dis-entitle her from any benefit under this order and the petition shall be deemed to have been disposed without reference to the court.

Nothing stated in this order, shall have any bearing on the pending application for cancellation of bail.

With these directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(AKIL KURESHI, J.)

ynvyas